REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13, 15, 16, 18-35, and 37 are pending in this case. Claims 1, 7, 12, 13, and 25 are amended, new Claim 37 is added, and Claim 36 is canceled without prejudice or disclaimer by the present amendment. As amended Claims 1, 7, 12, 13, and 25 and new Claim 37 are supported by the specification at page 4, line 1, page 7, lines 17-25, page 8, lines 7-14, and page 9, lines 16-19, no new matter is added.

In the outstanding Office Action, Claims 1-13, 15, 16, and 18-36 were rejected under 35 U.S.C. §112, first paragraph; and Claims 1-13, 15, 16, and 18-36 were rejected under 35 U.S.C. §103(a) as patentable over Stefik et al. (U.S. Patent No. 5,634,012, hereinafter "Stefik") in view of Watson (U.S. Patent No. 5,289,271).

With regard to the rejection of Claims 1-13, 15, 16, 18-36 under 35 U.S.C. §112, first paragraph, the language rejected by the outstanding Office Action is deleted from the pending claims. Accordingly, this rejection is moot.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Stefik in view of Watson, that rejection is respectfully traversed.

Amended independent Claim 1 recites a system for electronic media distribution comprising, *inter alia*:

> means for generating a plurality of media items;
> a data repository for storing respective media metadata items corresponding to multiple media items, each media metadata item containing metadata relating to the generation of the corresponding media item, said multiple media items being separable and independent from each other;
> means for electronically distributing at least some of the media items to a plurality of end-users, the distributed media items forming a distributed program having an associated program metadata item;
> means for detecting reception of said distributed media items by the end-users of the distributed program; and

> means for associating, with each media metadata item relating to an electronically distributed media item, a reception indicator indicative of the number of users receiving that media item,
>
> wherein ***a correspondence between said program metadata item and said media metadata items corresponding to said distributed media items is updated at said data repository based on which media items were distributed as said distributed program to said plurality of end-users.***

Stefik describes works which comprise multiple media items that are bundled together consecutively to form a digital work. For example, as shown in Figure 5 of Stefik, the digital work could comprise Story A, an advert, then Stories B and C. The digital work also includes descriptor blocks that are ***permanently*** attached to the digital work.[1]

With regard to Claim 36, the outstanding Office Action apparently cited the "extract transaction" described at column 41, lines 24-51 of Stefik as describing that multiple media items are separable and independent.[2] However, the extract transaction in Stefik is different from the invention recited in amended Claim 1 in which a correspondence between a program metadata item and media metadata items corresponding to distributed media items is updated at a data repository based on which media items were distributed as a distributed work to a plurality of end users.

In particular, Stefik discloses that the extract transaction is carried out between a requester and a server, the requester requesting data from a server (column 41, lines 32 to 33). However, the requester and the server are in fact two repositories, one acting as the requester and one acting as the server (column 7, lines 44 to 46, and column 31, lines 51 to 56). Here, a repository is taken to mean a data store which stores the work, controls access to the work, generates billing for access to the work and maintains security and integrity of the work (column 6, lines 56 to 60). Therefore, a repository is extremely unlikely to be operated by an end-user or consumer.

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[1]See Stefik, column 6, line 51 and column 9, lines 50-54.
[2]See the outstanding Office Action at page 10, lines 9-15.

To initiate the extract transaction of Stefik, the requester requests data from the server and the requested data is sent from the server back to the requester together with data relating to usage rights of the media items (column 41, lines 40 to 45). The requester then stores the media content data together with usage rights, as well as recording the date and time that the work was created at the requester in the properties of the work (column 41, lines 47 to 49).

However, in Stefik the transaction occurs between two repositories which are used to manage the media items and the usage rights associated with the media items. Therefore, Stefik does not disclose at least updating the association between a program metadata item and media metadata data items based on which media items were distributed as a distributed work to a plurality of end users. Indeed, in Stefik, the usage rights are attached to a work so as to prevent end-users having full access to the work and creating new rights. In other words, the extract operation is not carried out on a distributed work which is distributed to end users.

Accordingly, even if it is assumed *arguendo* that a requester of Stefik is an end-user, this is not the same as the claimed updating the correspondence between a program metadata item and media metadata items of the distributed media items at the data repository. In Stefik, the requester (i.e. the recipient) merely records the date and time that the new work was made in the properties of the work (column 41, lines 48 to 49) or records the contents, data and usage rights (column 41, lines 47-48). In other words, the requester is a different data repository from the server, which originates the data.

Therefore, Stefik neither teaches nor suggests the subject matter of updating, at the data repository, a correspondence between a program metadata item and media metadata items corresponding to the distributed media items based on which media items are distributed as a distributed work to a plurality of end users, as recited in amended Claim 1.

With regard to Watson, it is respectfully submitted that Watson is completely silent as to the use of respective media metadata items which correspond to multiple media items. Furthermore, Watson also does not disclose that a correspondence between a program metadata item relating to a distributed program and media metadata items corresponding to the distributed media items may be updated at the data repository based on which media items are distributed as a distributed work to a plurality of end users, as recited in amended Claim 1.

Instead, Watson generates viewing figures by measuring the local oscillator frequency of a set top box to detect which channel a user is watching (column 4, lines 36-56). A cable usage box 12 determines the channel to which a tuning circuit 18 is tuned and periodically transmits data such as length of time that a tuning circuit was tuned to each channel from the cable usage box 12 to a cable TV origination centre via a trunk cable. Therefore, Watson merely reports on which channels a user is watching without updating any metadata associated with the media items.

Therefore, neither Stefik nor Watson disclose updating, at a data repository, a correspondence between a program metadata item and media metadata items corresponding to distributed media items based on which media items are distributed as a distributed work to a plurality of end users. Embodiments of the claimed invention advantageously allow metadata to be flexibly associated with media items which are distributed as a distributed program to a plurality of end users. By updating, at the data repository, the correspondence between the program metadata item and the media metadata items based on which media items are actually distributed as a distributed work to a plurality of end-users, embodiments of the claimed invention provide a way in which data may be generated so as assist in future planning/commissioning stages (Claims 1, 12 and 25), as well as allowing appropriate payment information to be generated (Claims 7 and 13).

Consequently, as neither Stefik nor Watson teaches or suggests "a data repository" as defined in amended Claim 1, it is respectfully submitted that Claim 1 (and Claims 2-6, 20-24, and 37 dependent therefrom) is patentable over Stefik in view of Watson.

Amended Claim 7 also recites in part "wherein a correspondence between said program metadata item and said media metadata items corresponding to said distributed media items is updated at said data repository based on which media items were distributed as said distributed program to said plurality of end-users." Consequently, Claim 7 (and Claims 8-11 dependent therefrom) is patentable over Stefik in view of Watson for at least the reasons described above with respect to Claim 1.

Amended Claims 12 and 13 recite in part "updating a correspondence between said program metadata item and said media metadata items corresponding to said distributed media items based on which media items were distributed as said distributed program to said plurality of end-users."

As noted above, neither Stefik nor Watson disclose updating, at a data repository, a correspondence between a program metadata item and media metadata items corresponding to distributed media items based on which media items are distributed as a distributed work to a plurality of end users. Accordingly, neither Stefik nor Watson can teach or suggest "updating" as defined in amended Claims 12 and 13. Consequently, Claims 12 and 13 (and Claims 15, 16, 18, and 19 dependent therefrom) are also patentable over Stefik in view of Watson.

Amended Claim 25 recites in part:

> a media generator configured to generate a plurality of media items;
>
> a data repository for storing respective media metadata items corresponding to multiple media items, each media metadata item containing metadata relating to the generation of the corresponding media item, said multiple media items being separable and independent from each other;

> a transmitter configured to distribute at least some of the media items to a plurality of end-users, the distributed media items forming a distributed program having an associated program metadata item;
>
> a detector configured to detect reception of said distributed media items by the end-users of the distributed program; and
>
> an association unit configured to associate a reception indicator indicative of the number of users receiving that media item with each media metadata item of the corresponding media item,
>
> wherein ***a correspondence between said program metadata item and said media metadata items corresponding to said distributed media items is updated at said data repository based on which media items were distributed as said distributed program to said plurality of end-users.***

As noted above, neither Stefik nor Watson disclose updating, at a data repository, a correspondence between a program metadata item and media metadata items corresponding to distributed media items based on which media items are distributed as a distributed work to a plurality of end users. Accordingly, neither Stefik nor Watson teach or suggest "a data repository" as defined in amended Claim 25. Consequently, Claim 25 (and Claims 26-35 dependent therefrom) is patentable over Stefik in view of Watson.

New Claim 37 is supported at least by page 4, line 1. As new Claim 37 is dependent from Claim 1, new Claim 37 is believed to be allowable for at least the reasons described above with respect to Claim 1.

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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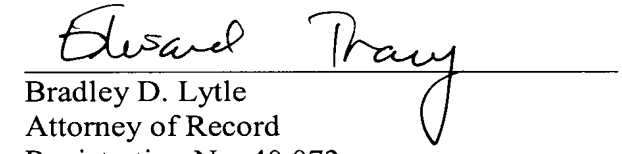

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